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11 Attorneys for Defendant  
GOOGLE INC.

12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA  
14 SAN FRANCISCO DIVISION

15 ORACLE AMERICA, INC.,  
16 Plaintiffs,  
17 v.  
18 GOOGLE INC.,  
19 Defendant.

Case No. 3:10-cv-03561 WHA

**DECLARATION OF RENNY HWANG IN  
SUPPORT OF ADMINISTRATIVE  
MOTIONS TO SEAL [ECF NOS. 1645,  
1646, 1655, 1656]**

Dept. Courtroom 8, 19<sup>th</sup> Fl.  
Judge: Hon. William Alsup

1 I, RENNY HWANG, declare as follows:

2 1. I am an attorney employed by Google Inc. ("Google"), where I have served as  
 3 senior litigation counsel for the last six years. My job responsibilities include, but are not limited  
 4 to, supervising our outside counsel in connection with litigation matters (such as this one), as well  
 5 as familiarizing myself with the areas of Google's businesses and documentation concerning  
 6 those businesses as they related to litigation matters under my supervision. I submit this  
 7 declaration in support of Administrative Motion to File Under Seal Response of Dr. James R.  
 8 Kearl to Google's Response to Oracle Motion In Limine #6 re Dr. Kearl (ECF No. 1645);  
 9 Administrative Motion to File Under Seal Response of Dr. James R. Kearl to Oracle's Response  
 10 to Google's Motion To Strike Testimony of Dr. Kearl (ECF No. 1646); Administrative Motion to  
 11 File Under Seal Oracle's Reply In Support of Oracle's Motion In Limine # 6 re Dr. Kearl (ECF  
 12 No. 1655); Administrative Motion to File Under Seal Oracle's Reply in Support of Motion In  
 13 Limine # 4 re Dr. Leonard (ECF No. 1656). I have knowledge of the facts set forth herein, and if  
 14 called upon as a witness, I could testify to them competently under oath.

15 2. I have reviewed the Response of Dr. James R. Kearl to Google's Response to  
 16 Oracle's Motion In Limine #6 re Dr. Kearl and supporting exhibits, Response of Dr. James R.  
 17 Kearl to Oracle's Response to Google's Motion To Strike Testimony of Dr. Kearl and supporting  
 18 exhibits, Oracle's Reply In Support of Oracle's Motion In Limine # 6 re Dr. Kearl, and Oracle's  
 19 Reply in Support of Motion In Limine # 4 re Dr. Leonard.

20 A. The following portions of above listed documents contain Google's  
 21 extremely confidential and commercially sensitive Android-related financial information:

- 22 • ***Exhibit B to Response of Dr. James R. Kearl to Google's Response to***  
 23 ***Oracle's Motion In Limine #6 Re Dr. Kearl:***
  - 24 ○ Page 94 ¶ 198: contains revenue and financial information which are  
 25 not public.
- 26 • ***Exhibit C to Response of Dr. James R. Kearl to Google's Response to***  
 27 ***Oracle's Motion In Limine #6 Re Dr. Kearl:***

- Page 39, ¶ 77: contains revenue and financial condition which are not public.
- Page 52, ¶ 102: contains revenue and financial information which are not public.
- **Exhibit A to Response of Dr. James R. Kearl to Oracle's Response to Google's Motion To Strike Testimony of Dr. Kearl:**
  - Page 52, ¶ 102: contains revenue and financial information which are not public
- **Exhibit B to Response of Dr. James R. Kearl to Oracle's Response to Google's Motion To Strike Testimony of Dr. Kearl:**
  - Page 39, ¶ 77: contains revenue and financial information which are not public.
  - Page. 52, ¶102: contains revenue and financial information which are not public
- **Oracle's Reply In Support of Oracle's Motion In Limine # 6 re Dr. Kearl:**
  - Page 3, line 10: contains revenue and financial information which are not public.
  - Page 5, line 23: contains revenue and financial information which are not public.
- **Oracle's Reply in Support of Motion In Limine # 4 re Dr. Leonard:**
  - Page 5, line 25: contains revenue and financial information which are not public.

Google does not publicly allocate revenue or profits to Android separate and apart from Google's general business. Accordingly, Google considers the non-public financial data identified above to be highly sensitive, and public disclosure of that information could have significant negative effects on Google's business. Google only seeks to seal the specific numbers and percentages contained in the above listed passages.

B. In addition, the following portion of Exhibit C to Response of Dr. James R. Kearl to Google's Response to Oracle's Motion In Limine #6 Re Dr. Kearl contains sensitive information related to the confidential terms of Google's agreement with third parties.

- ***Exhibit C to Response of Dr. James R. Kearl to Google's Response to Oracle's Motion In Limine #6 Re Dr. Kearl:***

- Page 39, ¶ 77: contains revenue and third-party agreement terms and details which are not public.

The information relating to third-party agreements that is quoted, discussed, and/or summarized in the passage above is subject to stringent confidentiality requirements contained within the relevant agreement. Indeed, Google places strict limits on who has access to the terms of these agreements to ensure confidentiality is retained. Also, Google does not disclose this information to the public. Public disclosure of this information could severely and adversely impact Google's ability to negotiate, among other things, similar terms with other third parties in connection with similar agreements now or in the future. Google only seeks to seal the specific percentage in the above listed passage.

3. The narrowly tailored portions of Response of Dr. James R. Kearl to Google's Response to Oracle's Motion In Limine #6 re Dr. Kearl and supporting exhibits, Response of Dr. James R. Kearl, Rule 706 Expert, to Oracle's Response to Google's Motion To Strike Testimony of James R. Kearl and supporting exhibits, Oracle's Reply In Support of Oracle's Motion In Limine # 6 re Dr. Kearl, and Oracle's Reply in Support of Motion In Limine # 4 re Dr. Leonard should therefore be sealed.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge.

Executed this 18th day of April, 2016 at Los Altos, California.

By: 

RENNY HWANG